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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/699,274

10/31/2003

Wu Su-Syin

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EXAMINER

JOYNER, KEVIN

ART UNIT

PAPER NUMBER

1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/699,274

Applicant(s)

SU-SYIN, WU

Examiner

Kevin C. Joyner

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frieze et al. (U.S. Patent No. 5,766,561) in view of Nord et al. (U.S. Patent No. 6,921,502).

3. Concerning the limitations of claims 1, 2, 6, and 14 Frieze discloses a method and apparatus of a sterilization container system comprising: an enclosure (12) defining an interior volume (as shown in Figure 1); an upwardly facing surface in the interior volume (as shown in Figure 2); a flexible elastomeric mat (10) formed of silicone (as disclosed in the title), having a downwardly facing surface resting upon the upwardly facing surface (as shown in Figure 1); and wherein the downwardly facing surface is provided with a pattern of ridges (as shown in Figure 3B).

4. Frieze does not appear to disclose that the pattern on the downwardly facing surface is such that no fold line can traverse the mat from one side to the other without intersecting a plurality of ridges. Cleats or ridges on the lower surface of any mat are known to increase the adhesion between the mat itself and the surface it is lying on. Nord shows an example of this in the patent disclosing a cushioned rubber floor mat.

The patent continues to disclose the that mat has a pattern on a downwardly facing surface such that no fold line can traverse the mat from one side to the other without intersecting a plurality of ridges (as shown on Figures 35 and 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a pattern on the downwardly facing surface of the mat such that no fold line can traverse the mat from one side to the other without intersecting a plurality of ridges in order to maximize the adhesion between the mat and the surface it is lying on as exemplified by Nord.

5. Concerning the limitations of claims 11, and 13, Frieze is relied upon as set forth in reference to limitations stated above. Frieze does not appear to disclose that the pattern is continuous or that the pattern comprises concentric shapes. Nord is relied upon as set forth in reference to the limitations stated above. Nord also continues to disclose in an alternate embodiment that the pattern is continuous and comprises of concentric shapes as shown in Figure 6. It would have also been obvious to one of ordinary skill in the art at the time of the invention to comprise the pattern of concentric, continuous shapes in order to efficiently reduce the amount of creep in the mats as exemplified once again by Nord.

6. In regards to the limitations of claims 3-5, Frieze in view of Nord is relied upon as set forth in reference to the limitations stated above. Claims 3-5 further require that the ridges have a height of 1.0 to 4.0 mm. It would have been well within the purview of one of ordinary skill in the art to optimize the length of the ridges between 1.0 to 4.0 mm to minimize the amount of mat slippage. Only the expected results would be attained.

7. Concerning the limitation of claims 8-10, Frieze further discloses that the pattern extends substantially across a dimension of the lower surface (as shown in Figures 3A and 3B) and that the mat further comprises a plurality of upwardly projecting members (as shown in Figure 2 labeled numeral 30) as well as a plurality of apertures therethrough (as shown in Figures 4A and 4B labeled numeral 40).

8. Concerning the limitations of claim 12, as broadly defined Frieze also discloses a discontinuous pattern of "S" shaped ridges from one side of the mat to the other in Figure 3B.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frieze et al. (U.S. Patent No. 5,766,561) in view of Nord et al. (U.S. Patent No. 6,921,502) as applied to claims 1-6, and 8-14 above, and further in view of Kerr et al. (U.S. Pub. No. US 2001/0046582).

10. Frieze in view of Nord is relied upon as set forth in reference to claims 1-6, and 8-14 above. Frieze in view of Nord does not appear to disclose that the silicone has a hardness of less than 90A on the Shore A Scale. Kerr discloses a novel cleated anti-creep floor mat made with silicone having a hardness of less than 90A on the Shore A Scale (column 3, paragraph 19). It would have been obvious to one of ordinary skill in the art at the time of the invention to comprise the silicone material with a hardness of less than 90A on the Shore A Scale in order to provide the necessary cushioning effects as exemplified by Kerr.

Response to Arguments

11. It is noted that the Applicant amended claims 3-5 due to the rejection under 35 U.S.C. 112, second paragraph. Therefore, the 35 U.S.C. 112, second paragraph rejection is withdrawn.

12. Applicant's arguments filed on January 31, 2007 have been fully considered but they are not persuasive.

Applicant's principle arguments are:

(a) *Frieze et al. discloses a sterilization tray having a mat therein for receiving the articles to be sterilized. Nord et al. discloses floor mats and are primarily concerned with providing cushioning. One of ordinary skill in the art would not seek to combine the cushioning aspects of Nord et al. into the mat of Frieze et al. Users would not expect to stand upon the mat of Frieze et al.*

It is noted that the mat provides cushioning to stand on, however the reference of Nord discloses more than one conventional teaching. As discussed above, one of ordinary skill in the art to would infer that the more contact between two surfaces would create more friction and thus better adhesion between the two surfaces (i.e. the more cleats or ridges that are on the lower surface of a mat, the less likely it is to slide around). Nord discloses an example of this conventional teaching in Figures 35 and 36. More specifically, Figure 35 displays a mat with such a plurality of ridges on the downward facing surface such that no fold line can traverse the mat from one side to the other without intersecting a plurality of ridges.

(b) *Nord et al. fails to disclose a structure in which no fold line can traverse that mat from one side to the other without intersecting a plurality of ridges. The examiner points to Figures 35 and 36 as evidence of such a disclosure. However the nubs that are shown in Figure 36 appear in regular lines and fold lines could easily be formed between the lines of the nubs. Figure 35 discloses no ridges, merely a rough texture. Accordingly, even if the references were combined it would fail to reach the claimed invention.*

With respect to Figure 36, the examiner agrees with the applicant's arguments and Figure 35 discloses a downward surface of a mat with a rough texture. As disclosed by the applicant with respect to Figures 4 to 8, a ridge is merely an elevated surface on the bottom of the mat. More specifically, the ridges from Figures 7 and 8 provide no structural difference than the rough surface from the cited reference because of the notion that any rough surface is produced by a plurality of elevated areas on a flat plane. Otherwise, it would be a smooth surface. The elevated areas on the rough surface are considered ridges as broadly defined. Therefore, Figure 35 discloses that the downwardly facing surface of the mat has a pattern such that no fold line can traverse the mat from one side to the other without intersecting a plurality of ridges.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin C. Joyner whose telephone number is (571) 272-2709. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCJ



GLADYS JP CORCORAN
SUPERVISORY PATENT EXAMINER